IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

MACA.No. 494 of 2007()

OPMV.1621/1999 of MOTOR ACCIDENT CLAIMS TRIBUNAL, KOZHIKODE
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APPELLANT/PETITIONER IN OP(MV)

RUGMINI, D/O KRISHNAN,
RESIDING AT PANAKKATTIL HOUSE,
P.O.CHOOLORE, (VIA)REC, KOZHIKODE.

BY ADV. SRI.AVM.SALAHUDIN

RESPONDENTS: RESPONDENT IN OP(MV)
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1. RAMACHANDRAN, RESIDING AT PANAKKATTIL HOUSE, P.O.VELLASSERY, CHATHAMANGALAM, KOZHIKODE.

2. NEW INDIA ASSURANCE COMPANY LIMITED, BRANCH OFFICE, TRIPURI BUILDING, EAST NADAKKAVU, KOZHIKODE.

BY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 30/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN & ANTONY DOMINIC, JJ.

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M.A.C.A NO. 494 OF 2007

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Dated this the 30th day of March, 2007

J U D G M E N T

P.R.Raman, J.

This is an appeal arising out of the award passed in OP(MV) No.1621/1999. The appellant is the claimant and the mother of the pillion rider, who died in a motor accident. The motor cycle in which the pillion rider was travelling capsized as a result of which accident occurred.

2. The Court below dismissed the application following the decision of the Supreme Court, where it was held that the pillion rider of the motor cycle is not entitled to get compensation in the absence of payment of additional premium. In the light of the recent decision of the Apex Court and the Full Bench decision of this court, decision rendered by the Motor Accidents Claims Tribunal is perfectly correct.

We find no reason to interfere with the award. Dismissed.

P.R.RAMAN, JUDGE.

ANTONY DOMINIC, JUDGE.

Rp